

## **NOTICE OF PROPOSED REGULATIONS**

### **California Code of Regulations Title 15, Crime prevention and Corrections**

#### **Division 8 California Prison Industry Authority**

**NOTICE IS HEREBY GIVEN** that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2808, 2809 in order to implement, interpret and make specific Penal Code 2808, propose to amend Section 8004 Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education.

#### **PUBLIC HEARING:**

At this time, no public hearing has been scheduled concerning the proposed adoption to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than **November 15, 2018**.

#### **PUBLIC COMMENT PERIOD:**

The public comment period will close **December 5, 2018**. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

##### **MAIL or HAND DELIVER**

CALPIA/Legal Services Unit  
560 East Natoma Street  
Folsom, CA 95630

##### **FAX**

(916) 358-2709

##### **E-MAIL**

[PIAregs@calpia.ca.gov](mailto:PIAregs@calpia.ca.gov)

#### **CONTACT PERSONS:**

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

**M. Doherty, Legal Analyst**  
**California Prison Industry Authority**  
**560 East Natoma Street, Folsom, CA 95630**  
**Telephone (916) 358-1711**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**C. Pesce, Administrative Assistant**  
**California Prison Industry Authority**  
**560 East Natoma Street, Folsom, CA 95630**  
**Telephone (916) 358-1711**

#### **AUTHORITY AND REFERENCE**

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2808, in order to implement, interpret and make

specific Penal Code 2808, 2809, propose to amend Section 8004 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education.

**INFORMATIVE DIGEST:**

CALPIA is amending Section 8004 to provide notice and affirm the General Manager's authority at any time to terminate inmate assignments with or without cause.

**POLICY STATEMENT OVERVIEW:**

In order for CALPIA to function safely and efficiently, this revised regulation is needed to provide notice and enforce standard workplace practices and provide familiarity with those practices for inmates upon release from custody and post-custody employment. CALPIA provides inmates with work opportunities to develop work skills and experience applicable upon release from custody. It is standard practice for private sector employers to terminate worker assignments and employment at any time and with or without cause. Therefore, CALPIA is amending Section 8004 to include this same requirement. As a result, it is necessary to implement this amendment through the Administrative Procedures Act as a requirement of inmate worker assignment.

**Evaluation of Inconsistency/Incompatibility with Existing Regulations:**

During the process of developing this regulation, CALPIA has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is neither inconsistent nor incompatible with existing laws and regulations.

**Local Mandates:**

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

**Fiscal Impact Statement:**

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630:.....None  
Cost or savings to any state agency: .....None  
Other nondiscretionary cost or savings imposed on local agencies: .....None  
Cost or savings in federal funding to the State: .....None

**Effect of Housing Costs:**

CALPIA has made an initial determination that the proposed action will have no significant effect of housing costs.

**Significant Statewide Adverse Economic Impact on Business:**

CALPIA has initially determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

**Results of the Economic Impact Analysis/Assessment**

In accordance with the Government Code Section 11346.3(b), CALPIA has made the following assessments regarding the proposed regulation:

### **Creation or Elimination of Jobs within the State of California**

CALPIA has determined that the proposed regulatory action will have no impact on the creation or elimination of existing jobs within California because those jobs are not affected by the internal management of CALPIA employees.

### **Creation of New Businesses or Elimination of Existing Businesses within the State of California**

This proposed regulatory action will have no effect on the creation of new or elimination of existing businesses within California because those businesses are not affected by the internal management of CALPIA employees.

### **Expansion of Businesses Currently Doing Business within the State of California**

This proposed regulatory action will have no effect on the expansion of businesses currently doing business within the State of California because they are not affected by the internal management of CALPIA employees.

### **Benefits of the Regulations**

This proposed regulatory action will benefit CALPIA inmates by providing inmates with a standard employment practice which is applied in the private sector workplace. This proposed regulatory action will create familiarity and compliance with a standard public sector employment practice and promote CALPIA's efficient operations. Said amendment will facilitate potential compliance with standard workplace practices providing inmate workers with higher probability of retaining non-custody employment and reducing recidivism. **Thus, this proposed action benefits the public and general welfare.**

### **Cost Impacts on Representative Private Persons or Businesses**

CALPIA is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

### **Effect on Small Businesses**

CALPIA has determined that this action has no significant adverse economic impact on small business because they are not affected the internal management of CALPIA inmate workers.

### **Consideration of Alternatives**

CALPIA has determined that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective implementing the statutory policy or other provision of law.

Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

### **Reports Relied Upon**

None.

**Availability of Proposed Text, Initial Statement of Reasons, and Rulemaking Record; Documents on CALPIA's Website**

The Proposed Text, Initial Statement of Reasons, and all the information upon which this proposal is based have been placed in the rulemaking record, which is available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**Availability of Changes to Proposed Text**

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CALPIA's website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**Availability of the Final Statement of Reasons**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from CALPIA's contact person or by visiting the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).